IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7249 OF 2005

Gangadhar Ranoba Kadam & Ors. .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr.A.R. Shaikh for applicants

Mrs.S.D.Shinde, A.P.P. for State

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th November 2005.

P.C.

. In the same C.R. certain other persons apprehending arrest applied for anticipatory bail which application was rejected by the trial

court. Upon approaching this Court, the said applicants were permitted to go to sessions court and apply for anticipatory bail. More particularly, in the light of the fact that it was pointed out that they did not breach conditions on which interim protection was granted.

2. Here, applicants are already arrested and pending investigation, they had applied to trial court for bail. Their application has been rejected. I am informed that the anticipatory bail application is being considered by the same court. Even otherwise, this is a case, where applicants have approached this Court during the pendency of investigation.

3. In my view, interest of justice would be served if the applicants are permitted to apply for identical reliefs after investigation is complete and based upon the prima facie findings

which will be recorded, as far as other applications for anticipatory bail. Applicants can point out both aspects including completion of investigation and findings at prima facie stage by the same sessions court, al beit, in anticipatory bail application as changed circumstances and apply for necessary reliefs. Needless to state that orders passed by this Court or sessions court shall not influence the trial court while considering the application made and passing appropriate orders in accordance with law.

(S.C.DHARMADHIKARI, J)